

LINK:

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No.	<b>CV 12-01089-BRO (SPx)</b>	Date	December 30, 2016
Title	<b>JOSSIE RAMOS ET AL. V. GARY SWATZELL ET AL.</b>		

Present: The Honorable **BEVERLY REID O'CONNELL, United States District Judge**

Renee A. Fisher	Not Present	N/A
Deputy Clerk	Court Reporter	Tape No.
Attorneys Present for Petitioners:		Attorneys Present for Respondents:
Not Present		Not Present

**Proceedings:** (IN CHAMBERS)

**ORDER TO SHOW CAUSE RE FAILURE TO MEET AND CONFER IN  
VIOLATION OF LOCAL RULE 7-3**

On December 26, 2016, the Court received a letter from Plaintiffs Melissa Ortiz and Jossie Ramos's (collectively, "Plaintiffs") counsel requesting that the Court remove certain dates from its Civil Trial Order and shorten the time to trial. (See Dkt. No. 171 (hereinafter, "Letter").) In her letter, Plaintiffs' counsel indicated that she had "previously informed Deputy Attorney General Douglas Baxter [Defendants' counsel] about this request on December 21, 2016 but no response has yet been received." (Letter at 1.) On December 27, 2016, Defendants'<sup>1</sup> counsel responded to Plaintiffs' counsel's letter. (Dkt. No. 172 (hereinafter, "Response").) Defendants' counsel indicated that he was unaware of any such communication prior to the letter appearing on the docket. (Response at 2.) Further, he testified that, after receiving notification of the letter through an ECF notice, he found an e-mail from Plaintiffs' counsel in his junk e-mail box with the subject line "RFP #59 and civil trial order," but that the e-mail contained no text in the body of the e-mail itself and no attachments. (*Id.*; *see also* Declaration of Douglas E. Baxter ¶ 3 & Ex. A.)

Central District of California Local Rule 7-3 requires that "counsel contemplating the filing of any motion shall first contact opposing counsel to *discuss thoroughly*, preferably in person, the substance of the contemplated motion and any potential

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<sup>1</sup> Defendants in this action are Gary Swatzell, Jason Horigan, Ricard Llamas, Peggy Maldonado, Guillermo Garcia, Matthew Cate, and Luis Flores.

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resolution.” C.D. Cal. L.R. 7-3 (emphasis added).<sup>2</sup> Plaintiffs’ counsel’s blank e-mail with only a brief subject line falls well short of the thorough discussion contemplated by the Local Rules. Accordingly, Plaintiffs’ counsel is **ORDERED TO SHOW CAUSE** as to why she should not be sanctioned for her failure to follow Local Rule 7-3 before filing the instant letter. *See Bernal v. Rodriguez*, No. 5:16-cv-00152-CAS (DTBx), 2016 WL 1610597, at \*1 n.2 (C.D. Cal. Apr. 20, 2016) (“[F]ailure to meet and confer prior to filing motions constitutes grounds for denial of a motion or imposition of other monetary or non-monetary sanctions.”).

Plaintiffs’ counsel’s Response to this Order shall be filed **no later than Friday, January 6, 2017, at 4:00 p.m.**

**IT IS SO ORDERED.**

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Initials of Preparer

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<sup>2</sup> A copy of this Court’s Local Civil Rules is available at the United States District Court, Central District of California’s website: <https://www.cacd.uscourts.gov/court-procedures/local-rules>.